

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

NICHOLAS BERGERON and NICK  
QUATTROCIOCCHI, on behalf of themselves and  
on behalf of all others similarly situated,

Plaintiffs,

v.

ROCHESTER INSTITUTE OF TECHNOLOGY

Defendant.

Case No. 6:20-cv-06283

**NOTICE OF DEFENDANT'S  
MOTION TO PRECLUDE  
THE EXPERT OPINION OF  
DR. CHARLES COWAN, Ph.D**

**PLEASE TAKE NOTICE** that upon the accompanying memorandum of law, and the Declarations of Qian (Sheila) Shen and all exhibits annexed thereto, and all of the pleadings and prior proceedings in this action, Defendant Rochester Institute of Technology ("RIT") will move this Court located at 100 State Street, Room 127, Rochester, New York 14614 for an order precluding the expert opinion of Dr. Charles Cowan, Ph.D, and granting such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to Rule 7(b)(2)(A) of the Local Rules of Civil Procedure for the United States District Court for the Western District of New York, unless the Court issues an order setting alternative deadlines, opposition papers, if any, shall be filed and served upon the undersigned within twenty-eight (28) days after service of this motion. RIT intends to file Reply papers. Reply papers shall be served by the undersigned within fourteen (14) days after service of any opposition.

Oral argument is requested.

Dated: New York, New York  
October 28, 2022

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